



CITY OF BRUNSWICK

1 W. Potomac Street • Brunswick, Maryland 21716 • (301) 834-7500

Brunswick Planning Commission Minutes July 23, 2007

Commission Members Present: Chair Ed Gladstone, Vice Chair Connie Koenig, Secretary Walt Stull - Council Liaison, Wayne Dougherty, Don Krigbaum, and Ellis Burruss, Alternate.

Staff Present: Planning & Zoning Administrator Rick Stup, City Development Review Planner Jeff Love, and County Planning Liaison Shawna Lemonds.

Chair Gladstone called the meeting to order at 7:00 PM.

Mr. Gladstone requested all those in attendance who were going to speak to rise and be sworn in.

Minutes

The minutes of the May 21, 2007 meeting were reviewed and approved as amended. (MOTION by Mr. Burruss and seconded by Mr. Krigbaum unanimously passed.)

Election of Officers

In accordance with Section II of the By-Laws of the Brunswick Planning Commission Mr. Stup conducted election of officers for FY 07. The following slate was nominated by Mr. Burruss; seconded by Mr. Krigbaum:

Chair – Ed Gladstone
Vice Chair – Connie Koenig
Secretary – Walt Stull

With no further nominations the slate of officers was elected by acclamation.

Chair

Mr. Gladstone stated that the night's events were being televised and recorded.

Mr. Stup reviewed the Agenda Package and announced that to date there were items for the August 27 Agenda.

Mr. Stup announced that the Certificate of Appreciation from the Planning Commission and one from the Mayor & Council were presented to Carole Larsen by the Mayor at the July 19th BOCC/Municipalities Meeting. Carole asked that her appreciation for the

Certificate be given to the Planning Commission and Council, and that she really enjoyed her association with the City.

Old Business

Zoning – Site Plans

Galyn Manor Recreational Amenities Site Plan – Staff update of the status of the Temporary Use of the School Site for a Recreational Areas in the Galyn Manor PUD, located West of MD Route 464, North of Souder Road. Zoning Classification: R-1; BR-PUD-01-SP-RA

Staff Presentation: Mr. Stup briefed the Commission on the status of the progress for utilization of the BOE School Site for use as a Temporary Recreation Area for Galyn Manor, and answered Commission questions.

Applicant: None.

Public Comment: None.

New Business:

Text Amendment – Zoning Ordinance

Review of Planning Commission initiated amendments (Ordinance 455) to the Zoning Ordinance, Article 21, Section 21.11 for a recommendation to the Mayor and Council. BR-ZO-07-02-TA; (Ordinance 456) to the Zoning Ordinance, Article 7, Section 7.5 & 7.6 for a recommendation to the Mayor and Council. BR-ZO-07-03-TA; (Ordinance 457) to the Zoning Ordinance, Article 21, Sections 21.7.A1.; B.1.; & C.1 for a recommendation to the Mayor and Council. BR-ZO-07-04-TA; (Ordinance 458) to the Zoning Ordinance, Appendix A-1 for a recommendation to the Mayor and Council. BR-ZO-07-05-TA; (Ordinance 459) to the Zoning Ordinance, Table of Contents for a recommendation to the Mayor and Council. BR-ZO-07-06-TA; (Ordinance 460) to the Zoning Ordinance, Article 4, Definitions for a recommendation to the Mayor and Council. BR-ZO-07-07-TA; (Ordinance 461) to the Zoning Ordinance, Article 5, Sections 5.12.B.8 & 5.12.C.3 for a recommendation to the Mayor and Council. BR-ZO-07-08-TA; (Ordinance 462) to the Zoning Ordinance, Article 6, Section 6.5 for a recommendation to the Mayor and Council. BR-ZO-07-09-TA; (Ordinance 463) to the Zoning Ordinance, Article 23, Section 23.2.A for a recommendation to the Mayor and Council. BR-ZO-07-10-TA; (Ordinance 464) to the Zoning Ordinance, Article 24, 25 & 26 for a recommendation to the Mayor and Council. BR-ZO-07-11-TA; (Ordinance 465) to the Subdivision Regulations, Article 1, Section 1.5.B for a recommendation to the Mayor and Council. BR-S-07-01-TA; (Ordinance 466) to the Subdivision Regulations, Article 5, Section 5.4 for a recommendation to the Mayor and Council. BR-S-07-02-TA; (Ordinance 467) to the Subdivision Regulations, Article 6, Section

6.4 for a recommendation to the Mayor and Council. BR-S-07-03-TA; and (Ordinance 468) to the Subdivision Regulations, Article 9, Section 9.1(a) for a recommendation to the Mayor and Council. BR-S-07-04-TA

Staff Presentation and Recommendation:

Mr. Stup presented a summary of the Staff Reports for the proposed revisions to the Zoning Ordinance and Subdivision Regulations to create a Transit Oriented Development Overlay Option and a Landscape Manual, and amend the MXD provision of the Zoning Ordinance. He stated that there were still comments from review agencies most of which did not affect the content. However, since there were some concerns with regard to the various plant species and some other minor details, Staff felt that the Landscape manual needed to come back to the Planning Commission for action after the comments had been addressed. Additionally, he stated that the only major change from the Westminster Model was the exemption for Lots of Record was taken out since the Planning Commission had been adamant with regards to improvements on these types of lots. It would add an extra expense for those applicants because individual lots are generally not subject to FRO. It was the consensus of the Commission to leave the text as drafted.

Staff made the following recommendations:

- Staff recommends continuance of Text Amendments, Ordinances 458- 468 until the August Planning Commission Meeting in order for Staff to address agency comments and finalize the Plant Species Table.
- Staff recommends approval of the Text Amendments, Ordinances 455 and 456, in accordance with the Staff Report, and that approval recommendation is forwarded to the Mayor & Council with the following conditions:
 1. Minor revisions of the text as determined by Staff.
- Staff recommends approval of the Text Amendment, Ordinance 457, in accordance with the Staff Report, and that approval recommendation is forwarded to the Mayor & Council with the following conditions:
 1. Minor revisions of the text as determined by Staff.

Mr. Stup answered Commission questions with regard to the proposed amendments and Staff Recommendation.

Michelle Kershner, Main Street Coordinator, answered Commission questions with regard to the affect of the proposal on Main Street's planning for an Overlay Zone.

Applicant: None since the City is the applicant.

Public Comment:

Michelle Kershner, Main Street Manager, acknowledged Main Street's support by the letter previously distributed to the Commission. Additionally, she cited a previous City EDC Study that recommended such an option, and shared some information from a recent seminar with regard to potential financial opportunities that the Overlay Development Option may provide business owners.

Rebuttal: None.

Decision:

Ms. Koenig made a motion to continue the Text Amendments, Ordinances 458 – 468, until the August Planning Commission Meeting in accordance with Staff Recommendation; Mr. Stull seconded the motion.

VOTE: Yea 5 Nay 0

Mr. Stull made a motion to approve the Text Amendments, Ordinance 455 and 456, in accordance with Staff Recommendation; Ms. Koenig seconded the motion.

VOTE: Yea 5 Nay 0

Mr. Burruss made a motion to approve the Text Amendment, Ordinance 457, in accordance with Staff Recommendation; Mr. Krigbaum seconded the motion.

VOTE: Yea 5 Nay 0

Mr. Dougherty entered the meeting at 7:55 PM.

APFO – County

Review of the proposed Board of County Commissioner's amendment of the County APFO, Section 1-20-5(B) with regard to Definitions and Section 1-20-7 Exemptions of APFO Approval for recommendation to the Mayor & Council. FcPc File Number AT-07-05

Staff Presentation and Recommendation:

Mr. Stup presented the Staff Report for the proposed amendment to the County APFO.

Staff recommended that the Planning Commission forward an Approval Recommendation to the Mayor and Council for the following reasons:

1. The proposed amendment does not undermine the intent of the City APFO.
2. It does not appear to create additional opportunities for development to infringe into the Ag and Conservation Zones.

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3. It does not encourage development outside of designated Growth Areas.
4. The City's ability to execute its Master Plan appears would not be compromised.

Staff further recommended the recommendation be forwarded to the Mayor and Council as part of the Staff Report.

Mr. Stup answered Commission questions with regard to the proposed amendment and Staff Recommendation.

Applicant: None since the request was from the Frederick County.

Public Comment: None.

Rebuttal: None.

Decision:

Mr. Krigbaum made a motion to approve the amendments in accordance with Staff Recommendation; Ms. Koenig seconded the motion.

VOTE: Yea 5 Nay 0

Zoning – Site Plans

Galyn Manor Recreational Amenities Site Plan – Request for Site Plan Approval for the Temporary Recreation Area on the School Site in the Galyn Manor PUD, located West of MD Route 464, North of Souder Road. Zoning Classification: R-1; BR-PUD-01-SP-RA-02

Staff Presentation and Recommendation:

Mr. Love presented the Staff Report for the Galyn Manor Temporary Recreation Area Site Plan as a Public Park.

Staff recommended Approval of the Site Plan in accordance with the Staff Report and the following specific conditions:

1. Staff to work with the developer on the final details of the recreation amenities in accordance with Planning Commission Guidance.
2. Identified by the Planning Commission, the type, amount and location of the Recreation Equipment must be shown on the plan to Staff satisfaction.
3. Revise the plan for an additional Activity Field shown to Staff's satisfaction.
4. Revise the plan to show Storage Type Shed(s) to Staff satisfaction.
5. Trash Disposal Equipment is required and shown on the plan to Staff satisfaction.
6. Revise the plan to note and graphically show the identified Building Restriction Lines.
7. The Entrance must be constructed and gated to the satisfaction of Public Works.

8. Any future proposal for off-street parking, walk or path system will require a Zoning Certificate and Planning Commission review of a revised Site Plan.
9. Location, type and amount of Landscaping must be provided to the satisfaction of Staff.
10. Any future use of Lighting will require a Zoning Certificate and Planning Commission review of a revised Site Plan.
11. The Identification Sign size, type and location must be placed on the plan to Staff's satisfaction.
12. Applicant to submit Cost Estimates by Rec Area, Guarantee, and PWA to Staff's satisfaction for processing for Mayor & Council Approval.
13. Staff review and approval of any resubmissions.
14. Address any additional checksheet and Staff comments to Staff's satisfaction.
15. Address appropriate Agency comments.
16. Applicant provides the legal documents for Lease of the site, and pays the initial Lease Expense.
17. Mayor & Council Approval of the required Legal Document Package in accordance to Staff and City Attorney Comments.
18. Applicant bound by their testimony

Messrs. Love and Stup answered questions from the Commission.

Applicant:

Mr. C. Robert Dalrymple, Linowes & Blocher, LLP, presented the applicant's case with Mr. Joseph McGraw, Pulte Homes. It was stated that they had some concerns with regard to the additional items requested by Staff, and that there was a budget constraint with regard to the project, and answered Commission questions.

Ms. Koenig and Messrs. Krigbaum and Burruss questioned the Staff and applicant.

Public Comment:

Mr. Matt Willems, Galyn Manor HOA President, spoke in support of the Staff Report. He further stated that the HOA would be meeting later this week to further discuss the Recreation Area Issue.

Mr. Mike Acker, Galyn Manor HOA Secretary, commented on the proposal and gave some indication for other options.

Rebuttal: None.

Decision:

Mr. Stull made a motion to approve the Site Plan in accordance with the Staff Recommendation and Staff Report; Mr. Krigbaum seconded the motion.

VOTE: Yea 5 Nay 0

Brunswick Little League – Request for Site Plan Approval to construct Field Lights at the existing Baseball Stadium located at 100A Cummings Drive to the South of Cummings Drive, East of Ninth Avenue. Zoning Classification: OS; BR-SP-06-01-SP

Staff Presentation and Recommendation:

Mr. Love presented the Staff Report for the Little League Stadium Light Site Plan.

Staff recommended Approval of the Site Plan in accordance with the Staff Report and the following specific conditions:

1. The fall zone of the proposed lights is shown on the Site Plan along with the approximate locations of neighboring structures that may be damaged due to the collapse or fall of the Lighting Structures.
2. Existing Landscaping must be shown on the Site Plan.
3. Any additional Landscaping required must be addressed to Staff's satisfaction.
4. The conditions of the Board of Appeals approvals apply and the same light types are constructed.
5. Signs indicating the Addresses 100A and 100B Cummings Drive as noted on the Site Plan must be posted in accordance with Frederick County Requirements.
6. Staff review and approval of any resubmissions.
7. Address any additional checksheet and Staff comments to Staff's satisfaction.
8. Address appropriate Agency comments.
9. Applicant bound by their testimony.

Messrs. Love and Stup answered questions from the Commission.

Applicant:

Ms. Geri Reynolds, City Recreation Director, answered Commission Questions.

Mr. Mike Price, President Railroaders Little League, made a statement with regard to the proposal, and answered Commission questions.

Ms. Koenig and Messrs. Krigbaum and Burruss questioned the Staff and applicant.

Public Comment: None.

Rebuttal: None.

Decision:

Mr. Krigbaum made a motion to approve the Site Plan in accordance with the Staff Recommendation and Staff Report; Ms. Koenig seconded the motion.

VOTE: Yea 5 Nay 0

Zoning – PUD Phase III – Improvement Plan

Brunswick Crossing PUD – Request for Improvement Plan Approval for Phase 1A, 1B, and Community Center located East of Jefferson Pike, South of Burkittsville Road, West of Petersville Road. Zoning Classification: R-1, R-2, RS and OS; Water and Sewer Classification: W-3, S-3; BR-PUD-03-01-PIII-IP-3: Contract Numbers SW-6 & SP-14

Staff Presentation and Recommendation:

Mr. Love presented the Staff Report for the Phase 1A, 1B and Community Center Improvement Plans.

Staff recommended Approval of the Phase 1A, 1B & Community Center Improvement Plan in accordance with the Staff Report and the following specific conditions:

1. Staff review and approval of any resubmissions.
2. Address any additional checksheet and Staff comments to Staff's satisfaction.
3. Address appropriate Agency comments.
4. Applicant bound by their testimony.

Messrs. Love and Stup answered questions from the Commission.

Applicant:

Mr. Dan Snyder, Brunswick Crossing, LLC, presented the applicant's case with Mr. Jim Ruff, Macris, Hendricks, & Glascock; Mark Wendland, EDSA; and Andrew Ferretti, Brunswick Crossing, LLC available for questions. He stated that he concurred with the Staff Report, and answered Commission questions.

Public Comment:

Mr. James Wright, 736 Jefferson Pike, voiced some concerns about the affect of the development and construction on the properties along Jefferson Pike.

Messrs. Stup and Snyder responded to his comments.

Rebuttal: None.

Decision:

Ms. Koenig made a motion to approve the Site Plan in accordance with the Staff Recommendation and Staff Report; Mr. Dougherty seconded the motion.

VOTE: Yea 5 Nay 0

Brunswick Crossing PUD – Request for Improvement Plan Approval for Phase 1C located East of Jefferson Pike, South of Burkittsville Road, West of Petersville Road. Zoning Classification: R-1, R-2, RS and OS; Water and Sewer Classification: W-3, S-3; BR-PUD-03-01-PIII-IP-4; Contract Numbers SW-6A & SP-14A

Staff Presentation and Recommendation:

Mr. Love presented the Staff Report for the Phase 1C Improvement Plan.

Staff recommended Approval of the Phase 1C Improvement Plan in accordance with the Staff Report and the following specific conditions:

1. Staff review and approval of any resubmissions.
2. Address any additional checksheet and Staff comments to Staff's satisfaction.
3. Address appropriate Agency comments.
4. Applicant bound by their testimony.

Messrs. Love and Stup answered questions from the Commission.

Applicant:

Mr. Dan Snyder, Brunswick Crossing, LLC, presented the applicant's case with Mr. Jim Ruff, Macris, Hendricks, & Glascock; Mark Wendland, EDSA; and Andrew Ferretti, Brunswick Crossing, LLC available for questions. He stated that he concurred with the Staff Report, and answered Commission questions.

Public Comment:

Mr. Leon Enfield commented about the project and the process to get to this point.

Rebuttal: None.

Decision:

Mr. Dougherty made a motion to approve the Site Plan in accordance with the Staff Recommendation and Staff Report; Ms. Koenig seconded the motion.

VOTE: Yea 5 Nay 0

Brunswick Crossing PUD – Request for PWA Approval for SEC & SWM for Mass Grading associated with Phase 1A-1C & Community Center, located East of Jefferson Pike, South of Burkittsville Road, West of Petersville Road. Zoning Classification: R-1, R-2, RS and OS; Water and Sewer Classification: W-3, S-3; BR-PUD-03-01-PWA-SEC-1

Staff Presentation and Recommendation:

Mr. Love presented the Staff Report for the Mass Grading SEC/SWM PWA Package.

Staff recommended Approval of the PWA Package in accordance with the Staff Report and the following specific conditions:

1. Staff review and approval of any resubmissions.
2. Address appropriate Agency comments.
3. County DPW approval of the SWM & SEC Cost Estimates.
4. PWA Package must be approved by the Mayor and Council.
5. Subject to Staff's final review for accuracy and minor revisions.

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6. Applicant bound by their testimony.

Staff further recommended that a recommendation of approval for the PWA Package be forwarded to the Mayor and Council in the form of a Public Works Staff Report.

Messrs. Love and Stup answered questions from the Commission.

Applicant:

Mr. Dan Snyder, Brunswick Crossing, LLC, presented the applicant's case with Mr. Jim Ruff, Macris, Hendricks, & Glascock; Mark Wendland, EDSA; and Andrew Ferretti, Brunswick Crossing, LLC available for questions. He stated that he concurred with the Staff Report, and answered Commission questions.

Public Comment:

Mr. James Wright, 736 Jefferson Pike, voiced some concerns about potential pollution from the run off.

Mr. Snyder responded to his comments.

Rebuttal: None.

Decision:

Ms. Koenig made a motion to approve the Site Plan in accordance with the Staff Recommendation and Staff Report; Mr. Dougherty seconded the motion.

VOTE: Yea 5 Nay 0

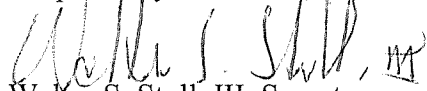
Public Comment:

Mr. Stup reminded the Commission that the next scheduled meeting was August 27, 2007 at 7:00 PM.

Adjournment

The meeting was adjourned at 9:52 PM.

Respectfully submitted,



Walter S. Stull, III, Secretary
Brunswick Planning Commission